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93  
PATENT  
30331/37918

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Abler  
Ser. No. : 10/003,552  
Filed : October 24, 2003  
Title : METHOD AND APPARATUS  
FOR SCROLLING AN IMAGE  
TO BE PRESENTED ON A  
DISPLAY UNIT  
T.C./Art Unit: 2672  
Examiner : D. Chung

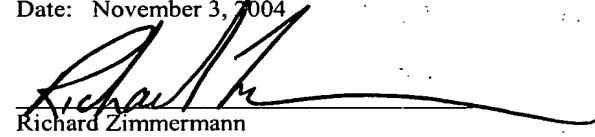


I hereby certify that this paper is being deposited with the United States Postal Service as Express Mail, Airbill No. EV456047282US, in an envelope addressed to:

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450,

on this date:

Date: November 3, 2004



PETITION TO WITHDRAW A HOLDING OF ABANDONMENT  
BASED ON A FAILURE TO RECEIVE THE NOTICE OF ALLOWANCE

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This petition to the Director is made pursuant to 37 C.F.R. 1.181(a).

On November 1, 2004, Marshall, Gerstein & Borun, LLP ("the Firm"), attorneys for applicant, received a Notice of Allowance and a Notice of Allowability (collective, "the Notices") in regard to the above-mentioned application. The Firm's receipt of the Notices on November 1, 2004 is reflected by the date stamp affixed to the first page of the documents, which are attached as Exhibit A, stating "RECEIVED – NOV 01 2004 – MARSHALL GERSTEIN." To the best of the undersigned's knowledge, it is the practice of the Firm to affix such a date stamp to documents received from the United States Patent and Trademark Office ("the Office") immediately upon receipt of the document.

Upon reviewing the Notices, the undersigned determined that the Notices have a "DATE MAILED" of March 22, 2004, and a "DATE DUE" of June 22, 2004. As the Firm did not receive the Notices until November 1, 2004, the issue and publication fees in regard to this application were not paid before the June 22 deadline.

In accordance with *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971) and Manual of Patent Examining Procedure 711.03(c), applicants hereby petition the Director to withdraw the holding of abandonment as to this application for failure to pay issue and publication fees in that applicant's representative did not receive the original Notice of Allowance. In keeping with 711.03(c), the undersigned states that the Notice of Allowance was not received by the undersigned, or by the Firm with which he is associated, and requests that the Director take notice of the following evidence in support of his statement.

The undersigned has searched the file jacket of the above-mentioned application and has had the responsible members of the docketing staff of the Firm search the docket records, and these searches indicate that the Notices were not received. In support thereof, the undersigned has attached a copy of the cover of the file jacket and a hardcopy of the electronic database entry for the above-mentioned application as Exhibits B and C, respectively. Neither document has been notated to show receipt of the Notices prior to November 1, 2004.

Moreover, attached hereto as Exhibit D is a copy of the docket record where the nonreceived Notices would have been entered had the Notices been received and docketed. That is, Exhibit D is a copy of the docket report showing all replies docketed for the date of June 22, 2004, the date noticed as the "DUE DATE" in the Notice of Allowance. Review of the June 22 docket report reflects that the Notice of Allowance was not received by the undersigned or his Firm.

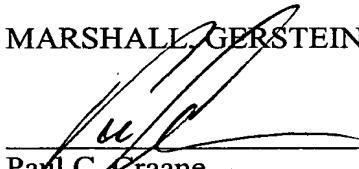
In keeping with 711.03(c), at page 700-162, a petition under 37 C.F.R. 181(a) requesting a withdrawal of the holding of abandonment does not require a fee. However, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 13-2855, under Order No. 30331/37918. A duplicate copy of this paper is enclosed

In view of the foregoing, the applicant respectfully requests that the holding of abandonment be withdrawn, and that the Office remail the Notice of Allowance and the Notice of Allowability.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN

Date: November 3, 2004

By: 

Paul C. Kraane  
Registration No. 38,851  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6357  
(312) 474-6300



## UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

## NOTICE OF ALLOWANCE AND FEE(S) DUE

04743

03/22/2004

MARSHALL, GERSTEIN & BORUN LLP  
 6300 SEARS TOWER  
 233 S. WACKER DRIVE  
 CHICAGO, IL 60606

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FCC → APR.

MARSHALL GERSTEIN

EXAMINER

CHUNG, DANIEL J

ART UNIT

PAPER NUMBER

2672

DATE MAILED: 03/22/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,552	10/24/2001	Michael Abler	30331/37918	5009

TITLE OF INVENTION: METHOD AND APPARATUS FOR SCROLLING AN IMAGE TO BE PRESENTED ON A DISPLAY UNIT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$300	\$1630	06/22/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

## HOW TO REPLY TO THIS NOTICE:

## I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

Applicant claims SMALL ENTITY status.  
 See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 or Fax (703) 746-4000

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

04743 7590 03/22/2004

MARSHALL, GERSTEIN & BORUN  
 6300 SEARS TOWER  
 233 S. WACKER DRIVE  
 CHICAGO, IL 60606



Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,552	10/24/2001	Michael Abler	30331/37918	5009

TITLE OF INVENTION: METHOD AND APPARATUS FOR SCROLLING AN IMAGE TO BE PRESENTED ON A DISPLAY UNIT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$300	\$1630	06/22/2004
EXAMINER	ART UNIT	CLASS-SUBCLASS			
CHUNG, DANIEL J	2672	345-684000			

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. \_\_\_\_\_  
 2. \_\_\_\_\_  
 3. \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent):  individual  corporation or other private group entity  government

4a. The following fee(s) are enclosed:

4b. Payment of Fee(s):

Issue Fee  
 Publication Fee  
 Advance Order - # of Copies \_\_\_\_\_

A check in the amount of the fee(s) is enclosed.  
 Payment by credit card. Form PTO-2038 is attached.  
 The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,552	10/24/2001	Michael Abler	30331/37918	5009
04743	7590	03/22/2004	EXAMINER	
MARSHALL, GERSTEIN & BORUN LLP 6300 SEARS TOWER 233 S. WACKER DRIVE CHICAGO, IL 60606				CHUNG, DANIEL J
		ART UNIT		PAPER NUMBER
		2672		

DATE MAILED: 03/22/2004

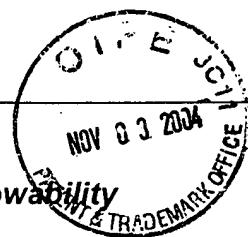
**Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)**  
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 232 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 232 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/003,552	ABLER, MICHAEL
	Examiner	Art Unit
	Daniel J Chung	2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 1-15-04.
2.  The allowed claim(s) is/are 1-5,7-15 and 17-20.
3.  The drawings filed on 24 October 2001 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

MATTHEW LUU  
PRIMARY EXAMINER



## Exhibit C

PM1001 Application Entry / Update 15:32:02 11/02/04  
Docket Number: 37918 US UNITED STATES Status: ....

Title: 01 METHOD AND APPARATUS FOR SCROLLING AN  
02 IMAGE TO BE PRESENTED ON A DISPLAY UNIT  
03

Inventors: ABLER, M. ....

Client: 30331 KRAUS & WEISERT  
Owner Ref#: 118,61/E1  
Carton Number:  
Date Forwarded: 10/24/01 Appl.Complete? .. Serial Number: 010/003552  
CPA Filing: Group: 2,697 Date Filed: 10/24/01  
PCT Flag: IDS Sent? Y  
Priority Dt/No.: Appl.Allowed: ....  
Not. of Appeal Date/No.: Issue Fee Paid: ....  
Interference Number: Publication Dt: 8/08/02  
Agent: Publ.No: US020105525A  
Tax Service: Taxes? Y Assignee: INFINEON TECHNOLOGIES AG  
Based on: DE 1,005,269,5.0 10/24/00 Reel/Frame: 12,817/07,60  
ENTER-Accept F1-Actions F5-No Update F9-Issue F11-Chg# F24-Delete Recorded: 4/16/02

PM1003	Patent Actions				15:32:07	11/02/04
<b>KRAUS &amp; WEISERT</b>	<b>US</b>				<b>Docket: 37918</b>	
SEQ	Docket Dt.	Due Date	Action	Reply Date	Reply	
004	10/24/02	10/24/02	STAT	11/04/02	REC'D FIRST OFFICE ACTION?	
006	01/24/02	01/24/02	*INF	01/21/02	IDS W:3US;PR DOC(DE APP) W/CM	
007	01/24/02	01/24/02	ASSN	04/09/02	FWR'D ASSN FOR RECORDAL	
008	03/04/02	03/04/02	*COM	02/25/02	EXECUTED DECLARATION W/CM	
014			FRWD	01/21/02	REQ 4 CORR FLG RCPT W/CM	
019			RECD	08/08/02	PUB # US-2002-0105525-A1	
020			FRWD	11/04/02	STATUS INQUIRY W/CM	
021	12/25/03	12/25/03	POA1	01/12/04	PET; AMENDMENT W/CM	

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ENTER-Add/Update line F1-Return F5-New Record Roll Up/Roll Down

11/02/04 16:50:24

PATENT APPLICATIONS DOCKET - 6/22/04

PAGE 1

Our	Ref.	Co.	Inventory	Serial No.	Due Date	Action	Reply Date	Reply	Status
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03012	38833	PCT	BROOKS ET AL.	US03/35640	6 22 4	RESP	5 13 4	OFF PER JPZ DOCKET	
06005	36157A	US	WOJSZNIS ET AL.	009/644399	6 22 4	APBF	6 25 4	APPEAL BRIEF W/CM	ALL
06005	38036	GB	NIXON ET AL.	00330204.9	6 22 4	RESP	7 1 4	OFF PER RAH DOCKET	
06007	39813	US	PEACEY, D.	010/753789	6 22 4	*COM	6 7 4	RESP/EXE.DECL. W/CM	
11009	7183A	EG	LIN, F.	00000374/93	6 22 4	TX12	3 22 4	PAID PER CPA	
19036	36959	US	YAMAMOTO ET AL.	009/719272	6 22 4	POF2	8 12 4	PET;AMDT & RESP W/CM	ALL
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27978	37504A	US	SAITO, K.	010/253967	6 22 4	POF2	6 22 4	RCE;AMDT/RESP.;DEC W/CM	
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29621	38806	US	KELSEY, M.	010/267607	6 22 4	POA1	8 13 3	ABD	ABD
29626	38298	US	THOMAS ET AL.	010/270920	6 22 4	POP1	6 16 4	OFF PER JPZ DOCKET	ABD
29636	39612	EPO	CASARES ET AL.	02731692.6	6 22 4	RESP	6 1 4	OFF PER WKM DOCKET	
29641	39110	USD	GOULET, M.	029/177861	6 22 4	ISPT	6 22 4	WILL ISSUE AS D491730-JPZ OFF	ALL

11/02/04 16:50:24

PAGE 2

PATENT APPLICATIONS DOCKET - 6/22/04

Our Ref.	Co.	Co.	Co.	Co.	Serial No.	Due Date	Action	Reply Date	Reply	Status
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30203	38236	PCT	DOBROWSKI, P.	US03/28378	6 22 4	RESP	6 1 4	OFF	PER RAH DOCKET	
30275	39938	US	O'REILLY ET AL.	060/555273	6 22 4	ASSN	0 0 0	FWR'D	ASSN FOR RECORDAL	
30303	35214A	EPO	GUDKOV ET AL.	00914455.1	6 22 4	RESP	7 15 4	OFF	PER JJN DOCKET	
30521	3055	PCT	SCHAFFER ET AL.	US03/37268	6 22 4	PCT	6 21 4	OFF	PER JKB EMAIL	
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30572	39753	US	FRANKE ET AL.	010/478428	6 22 4	*COM	5 3 4	EXECUTED	DECL.W/CM	
30687	39934A	US	HEID, G.	060/555223	6 22 4	ASSN	8 2 4	FWR'D	ASSN FOR RECORDAL	W/CM

\* \* \* END OF REPORT \* \* \*